ConocoPhillips

September 6, 2012

By Federal Express

Ms. Jeanne Briskin,
Hydraulic Fracturing Research Coordinator
U.S. Environmental Protection Agency
Office of Science Policy
1200 Pennsylvania Ave. NW MC 8104R
Washington, D.C. 20460

Re: EPA Hydraulic Fracturing Study

Dear Ms. Briskin:

ConocoPhillips Company received EPA's letter dated August 20, 2012, which was delivered to me via email on that date from Ms. Susan Sharkey of your office. EPA's letter provides some information about two reports being prepared for the U.S. Congress concerning hydraulic fracturing, and requests ConocoPhillips to contact EPA if ConocoPhillips wishes to claim Confidential Business Information (CBI) status on aggregate information as described in the letter and examples enclosed therewith.

In response, for all information that ConocoPhillips previously claimed as CBI when submitted to EPA, please continue to maintain all such information as CBI and only disclose such information, whether in its original form or in an aggregated form, pursuant to the applicable regulations. We offer the following comments with regard to this request.

EPA's letter included examples of tables and figures that fall in two general categories a) informational or b) intended to display "driving factors" related to hydraulic fracturing and the risk of causing harm. While we generally agreed with the EPA position that informational figures such as presented in Tables A and B, and Figures C thru G adequately protect the CBI claim we have made on such data, we do not feel that other hypothetical figures, also included in EPA's letter, are acceptable. The following concerns were shared with Ms. Sharkey, Mr. Wiser, Mr. Hillenbrand and Mr. Tinsley of the EPA staff during a teleconference conducted on Tuesday, August 28, 2012.

1) Scatter plots such as Figures I, J, K, L, T, U, V, W or EE. Some of the parameters the EPA is intending to display such as "distance between uppermost perforation and the lowest identified drinking water" Fig. T or "maximum treatment pressure vs. casing test pressure" Fig. EE, cannot be correctly understood without an understanding of well construction practices and the regulatory requirements covering the wells in the study. It is possible, maybe even likely, that some of the presented well data will be interpreted negatively by the public – without the ability to prove that ConocoPhillips' wells are "good", then every participating operator will be seen in the same negative light.

2) The EPA has "categorized" the wells in a number of ways based on their own interpretation of submitted data. Completion type, completion lithology, occurrences of fresh water, hydrocarbon shows, characteristics of the well cement such as top of cement, cement bond index, cement "completeness" have been determined by the EPA based solely on submitted data whereas we would argue that generally, they have insufficient data or lack additional background information to make those distinctions. In particular, Figures such as O, P, Q, R, U, Y and Z are cause for concern as the EPA appears to be attempting to demonstrate a particular " driving factor" without benefit of knowing the full well story.

3) The EPA has gathered well data from many different fields, depths and regulatory districts; in some cases, this data has been aggregated to such a degree that there is no obvious use or conclusion that can be drawn. Figures such as H, R, X, AA, BB and EE are examples of this.

4) A number of the figures use terminology that is unclear or not commonly used in the oil and gas industry. Completeness of cementing and drinking water resources (Fig R), cement sheath covering an entire production string (Fig Q), span of cement bond indexes (Fig H) are examples.

5) The EPA intends to compare reported flowback volumes to injected fluid volumes as in Figures I, J and L. The determination when flowback ends and produced water begins was left up to each operator. ConocoPhillips chose to call all water produced up to the point the well was handed over to Production Operations as flowback, but other operators may have used a different methodology. Any analysis or comparisons between operator practices are going to be meaningless.

We greatly appreciate the opportunity to share our concerns with the EPA staff concerning this important study. ConocoPhillips' shares your commitment to the protection of fresh water resources and we welcome any opportunity to share our philosophy or assist the EPA in any way.

Please do not hesitate to contact me or if you wish to discuss this matter further.

Very truly yours,

CONOCOPHILLIPS COMPANY

Les Sinclair
Chief Drilling Engineer
Lower 48 Drilling and Completions